

CERTIFICATE OF ELECTRONIC FILING

I hereby certify that this correspondence is being transmitted to the Commissioner for Patents, Alexandria, VA, via the Office electronic filing system in accordance with 37 C.F.R. § 1.6(a)(4), on the date below:

July 25, 2008

Date



Sharon V. Hart

**PATENT**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Philip E. Thorpe and Sophia Ran (As Amended)

Serial No.: 10/621,269

Filed: July 15, 2003

For: Selected Antibody Compositions for Binding to Aminophospholipids (As Amended)

Group Art Unit: 1642

Examiner: Goddard, L.

Atty. Dkt. No.: 4001.003000

**DECLARATION OF BIOLOGICAL  
CULTURE DEPOSIT BY PHILIP E. THORPE**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

I, PHILIP E. THORPE, HEREBY DECLARE AS FOLLOWS:

1. I am a co-inventor of the subject matter disclosed and claimed in the captioned patent application.
2. The following material referred to in the specification of the captioned patent application was deposited with a depository meeting Budapest Treaty requirements on July 08, 2002 (received on July 10 and July 12, 2002):

**TAXONOMIC DESCRIPTION**

**ATCC DEPOSIT NUMBER**

hybridoma cell line  
producing the monoclonal antibody, 3G4

ATCC PTA 4545

3. A copy of the ATCC filing receipt, evidencing receipt of the 3G4 hybridoma cell line biological sample deposited with the ATCC under the Budapest Treaty requirements is attached hereto.

4. I confirm that the designation "3G4-2B" in the ATCC filing receipt refers to the same biological material as the related designation "3G4".

5. I affirm that should the cultures mutate, become nonviable or be inadvertently destroyed, I will replace such cultures for at least 30 years from the date of the original deposit, or at least 5 years from the date of the most recent request for release of a sample or for the life of any patent issued on the captioned patent application, plus 6 years to cover the statute of limitations, whichever period is longer. 37 C.F.R. § 1.806.

6. That with respect to availability of the cultures, I affirm that the deposit has been made under the conditions of assurance set forth below and that I bind myself to such conditions:

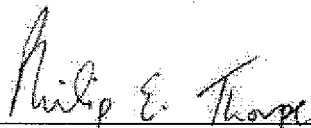
- (a) ready accessibility thereto by the public if a patent is granted whereby all restrictions to the availability to the public of the culture so deposited will be irrevocably removed upon the granting of the patent. 37 C.F.R. §§ 1.808(a)(b); and

- (b) access to the culture will be available during pendency of the captioned patent application to one determined by the Commissioner to be entitled thereto under 37 C.F.R. § 1.14 and 35 U.S.C. § 122.

Evidence of the accessibility of the cultures as set forth above is provided in the attached copy of the receipt from the above-mentioned depository with respect to the deposit of the cultures meeting Budapest Treaty requirements, and by the above assurances.

7. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the captioned patent application or any patent issued thereon.

**July 25, 2008**  
**Date**

  
Philip E. Thorpe, Ph.D.

# EXHIBIT A

# ATCC

10801 University Blvd • Manassas, VA 20110-2199 • Telephone: 703-363-2788 • FAX: 703-365-2745

## BUDAPEST TREATY ON THE INTERNATIONAL RECOGNITION OF THE DEPOSIT OF MICROORGANISMS FOR THE PURPOSES OF PATENT PROCEDURE

### INTERNATIONAL FORM

#### RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT ISSUED PURSUANT TO RULE 7.3 AND VIABILITY STATEMENT ISSUED PURSUANT TO RULE 10.2

To: (Name and Address of Depositor or Attorney)

Avid Bioservices, Inc.  
Attn: Debra Harris  
14272 Franklin Avenue  
Tustin, CA 92780

Deposited on Behalf of: Board of Regents, The University of Texas System, Austin, Texas

Identification Reference by Depositor:

Patent Deposit Designation

Mouse Hybridoma: Mab 3G4-2B

PTA-4545

The deposit was accompanied by:     a scientific description     a proposed taxonomic description indicated above.

The deposit was received July 18, 2002 by this International Depository Authority and has been accepted.

AT YOUR REQUEST:   X   We will inform you of requests for the strain for 30 years.

The strain will be made available if a patent office signatory to the Budapest Treaty certifies one's right to receive, or if a U.S. Patent is issued citing the strain, and ATCC is instructed by the United States Patent & Trademark Office or the depositor to release said strain.

If the culture should die or be destroyed during the effective term of the deposit, it shall be your responsibility to replace it with living culture of the same.

The strain will be maintained for a period of at least 30 years from date of deposit, or five years after the most recent request for a sample, whichever is longer. The United States and many other countries are signatory to the Budapest Treaty.

The viability of the culture cited above was tested July 18, 2002. On that date, the culture was viable.

International Depository Authority: American Type Culture Collection, Manassas, VA 20110-2209 USA.

Signature of person having authority to represent ATCC:

Debra Harris  
Marie Harris, Patent Specialist, ATCC Patent Depository

Date: July 30, 2002

cc: Shelley P.M. Fussey  
(Ref: Docket or Case No. 4001-003000)